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19 **Attorneys for Defendant**
20 **WELLS FARGO & COMPANY**

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN FRANCISCO DIVISION**

24 PHOENIX SOLUTIONS, INC., a
25 California corporation,

26 Plaintiff,

27 v.

28 WELLS FARGO & COMPANY, a
Delaware corporation,

Defendant.

Case No. CV08-0863MHP

**STIPULATION AND [PROPOSED]
ORDER TO FILE AMENDED
COMPLAINT**

**STIPULATION AND [PROPOSED]
ORDER TO FILE AMENDED
COMPLAINT**

CASE NO. CV08-0863 MHP

1 Phoenix Solutions, Inc. (hereinafter "Phoenix") and Wells Fargo & Company
2 through their undersigned counsel, hereby move the Court for, and stipulate to, an
3 order permitting Phoenix to file an amended complaint for the purpose of
4 substituting "Wells Fargo Bank, N.A." for "Wells Fargo & Company."

5 Further, Counsel for Defendant stipulates to accept service through the
6 Court's electronic case filing system. Pursuant to Federal Rule of Civil Procedure
7 15(a)(3), Wells Fargo Bank, N.A.'s answer to the amended complaint shall be filed
8 within 10 days from the date of the Order permitting the amended complaint to be
9 filed.

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11 **IT IS SO STIPULATED**

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28 **STIPULATION AND [PROPOSED]
ORDER TO FILE AMENDED
COMPLAINT**

Respectfully submitted,

TROJAN LAW OFFICES

Date: April 22, 2008

/s/R. Joseph Trojan
R. Joseph Trojan
Attorney for Plaintiff,
PHOENIX SOLUTIONS, INC.

KEKER & VAN NEST

Date: April 22, 2008

/s/Eugene M. Paige
Daralyn J. Durie
Eugene M. Paige
Ryan M. Kent
Sandeep Mitra
Attorneys for Defendant,
WELLS FARGO & COMPANY

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this e-filed document.

/s/R. Joseph Trojan
R. Joseph Trojan
Attorney for Plaintiff,
PHOENIX SOLUTIONS, INC.

ORDER

Upon the stipulation of counsel for all parties, the Request to file an amended complaint is hereby granted.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

The Honorable Marilyn Hall Patel
UNITED STATES DISTRICT JUDGE

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BEVERLY HILLS